



**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
4700 MacCorkle Ave., SE  
Charleston, West Virginia 25304  
(304) 558-0169 • FAX (304) 558-0831

May 16, 2018

Re: JIC Advisory Opinion 2018-12.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows:

You ran for the unexpired term of Circuit Court Judge in your jurisdiction. You were elected to the position on May 8, 2018, and pursuant to State law are to fill the unexpired term immediately upon certification of the results. You currently work in a two person office. Your partner has been off work since September 2017. Following the election, your partner and you have decided to close down the practice. You have stopped all firm advertising in the county newspaper and on television.

You have removed the sign from the building, and as of May 18, 2018, the telephone will no longer be answered as a law office. You have recently settled 4-5 personal injury cases and there are other individuals who owe you substantial amounts of money in fees. You want to know if you can keep two employees at the office to close down files, collect fees and close out cases after you become Judge. You have stated that absolutely no legal work will be performed. You also indicated that before taking office, you will file motions to withdraw or substitution of counsel in all cases which are in any court.

To address the questions, the Commission has reviewed Rules 3.11(B) and (C) of the Code of Judicial Conduct which provide:

**Rule 3.11 – Financial, Business, or Remunerative Activities**

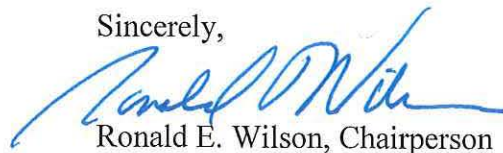
- (B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:
- (1) a business closely held by the judge or members of the judge's family; or
  - (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.
- (C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:
- (1) interfere with the proper performance of judicial duties;
  - (2) lead to frequent disqualification of the judge;
  - (3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or
  - (4) result in violation of other provisions of this Code.

Comment [2] to the Rule states that “[a]s soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule.”

The Rule clearly contemplates a winding down of your law practice. Given the time constraints for taking judicial office and the particular safeguards you have put in place to ensure that the public does not mistake you for practicing law while a judge, the Commission is of the opinion that you can keep two employees assist you during the winding up process.

Thank you for your inquiry. If there is any further question regarding this matter please do not hesitate to contact the Commission.

Sincerely,



Ronald E. Wilson, Chairperson  
Judicial Investigation Commission